IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2642 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL ARVINDBHAI VITTHALBHAI

Versus

REGIONAL PASSPORT OFFICE

Appearance:

MR YV BRAHMBHATT for Petitioner

MR BIPIN I MEHTA for

MR AKSHAY H MEHTA Sr. Central Govt.

Standing Counsel for Respondents.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 23/04/2001

ORAL JUDGEMENT

Rule. Mr. Bipin I. Mehta for Mr. Akshay H. Mehta Sr. Central Govt. Standing Counsel appears on behalf of the respondents and he waives service of rule on behalf of the respondents.

2. This petition has been filed for a direction to the respondents authorities to correct the date of birth of the petitioner as 1-6-1959, in place of 1-5-1969, as mentioned in the school leaving certificate as well as in the birth certificate, in the passport issued to the petitioner. The learned counsel for the petitioner stated that due to typing mistake or oversight wrong birth date of the petitioner as 1-6-1969 has been mentioned in the passport. The correct birth date of the petitioner is 1-5-1959, as mentioned in the school leaving certificate and birth certificate issued by the authority concerned.

3. The petitioner has already moved an application on 4-4-2001 before the respondent authority concerned for correction of the birth date as 1-6-1959 in the passport. But the respondent authority has not entertained the application of the petitioner as it has no power or authority to make such correction in the birth date of the petitioner unless and until some order is passed by the Court of Law. The petitioner has produced the copy of the school leaving certificate as well as the birth certificate issued by the authority concerned showing correct date of birth of the petitioner as 1-6-1959.

4. In the facts and circumstances of this case, this application is being disposed of with a direction to the respondent authority concerned to entertain, consider and decide the application dated 4-4-2001 filed by the petitioner in accordance with law and make correction with regard to the date of birth of the petitioner as 1-6-1959 in place of 1-6-1969 mentioned in the passport on the basis of the material produced by the petitioner and then to issue passport with correct date of birth as 1-6-1959, within four weeks from the date of receipt of writ of this Court or certified copy of this order whichever is earlier. The respondent authority will be at liberty to pass appropriate order with regard to the costs of these proceedings.

4. With the above directions and observations, this petition is disposed of. Rule is discharged, with no order as to costs.

-0-0-0-0-0-

/JVSatwara/